(41)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6009 of 2007

PETITIONER Purushottam Patel, S/o. Late Shri Chhabi Lal Patel, aged about : 45 years, R/o. Village : Ghueechuwan, Tahsil : Sakti, Distt. Janjgir – Champa (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh : Through : Secretary, Aadim Jati Tatha Anushuchit Jati Development Department, D.K.S. Bhawan, Raipur, Distt. Raipur (C.G.)
2. The Commissioner, Aadim Jati Tatha Anushucit Jati Development Department, Raipur (C.G.)
3. Assistant Commissioner, Tribal Department, Korba, Distt. Korba (C.G.)
4. The Principal, Govt. Higher Secondary School Tuman , Block : Kartala, Distt. Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.K. Patel, Counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(09.10.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner, who is working on the post of Lecturer, has been transferred by order dated 29.6.2007 from Govt. Higher Secondary School, Tuman, District Korba to Govt. Higher Secondary School, Barpali, District Korba.

Learned counsel for the petitioner submits that there is no Higher Secondary School at Barpali, it has wrongly been mentioned in the order. Secondly, he argues that since there is no post of Lecturer and the petitioner holds post of Lecturer, therefore, joining of the petitioner cannot be taken in the said School. He submits that in this regard, a certificate of Principal

of Barpali, High School has been filed along with I.A. No.2. He also submits that in this regard, a memo has been sent by the Assistant Commissioner, Tribal Development, Korba to the Commissioner, Tribal Development, Raipur on 2.8.2007 (Annexure-P/2).

A perusal of the said memo would show that in fact, there is no post of Lecturer in Barpali School and for this, the Assistant Commissioner has recommended for cancellation of the transfer order.

Learned counsel for the petitioner submits that even after sending of the said communication by the Assistant Commissioner, no order has been passed till date.

Having heard the learned counsel for the petitioner as also the learned counsel for the State, having gone through the contents of the writ petition, in the opinion of this Court, ends of justice would be served, if a direction is issued to the petitioner to file a fresh representation along with copy of this order and copy of this writ petition before the concerned authority and the concerned authority is directed to dispose of the same at the earliest.

Consequently, this petition is disposed of with a direction that if so advised, the petitioner may file a representation along with copy of this order and copy of writ petition before the concerned authority and if such a representation is filed, the concerned authority shall dispose of the same at the earliest, so that, the controversy raised by the petitioner may be set at rest for ever.

With the above observation, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

vatti